

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

JEROME GRIFFIN,

Plaintiff,

v.

**6:01-CV-1924
(FJS/GHL)**

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

APPEARANCES

OF COUNSEL

JEROME GRIFFIN

Syracuse, New York 13204
Plaintiff *pro se*

**OFFICE OF THE UNITED
STATES ATTORNEY**

100 South Clinton Street
P.O. Box 7198
Syracuse, New York 13261-7198
Attorneys for Defendant

WILLIAM H. PEASE, AUSA

SCULLIN, Senior Judge

ORDER

On March 22, 2006, Magistrate Judge Lowe issued a Report and Recommendation in this matter, in which he recommended that this Court affirm the Commissioner of Social Security's decision and dismiss this action. *See* Dkt. No. 17. Plaintiff did not file any objections to this Report and Recommendation.^{1,2}

¹ In his Report and Recommendation, Magistrate Judge Lowe specifically advised the parties that

[p]ursuant to 28 U.S.C. § 636(b)(1), [they] ha[d] ten days within

(continued...)

Accordingly, having reviewed the entire file in this matter, including Magistrate Judge Lowe's March 22, 2006 Report and Recommendation, as well as the applicable law, the Court hereby

ORDERS that Magistrate Judge Lowe's March 22, 2006 Report and Recommendation is **ADOPTED** in its entirety for the reasons stated therein; and the Court further

¹(...continued)

which to file written objections to the foregoing report. Such objections shall be filed with the Clerk of the Court. **FAILURE TO OBJECT TO THIS REPORT WITHIN TEN DAYS WILL PRECLUDE APPELLATE REVIEW.** *Roldan v. Racette*, 984 F.2d 85 (2d Cir. 1993) (citing *Small v. Secretary of Health and Human Servs.*, 892 F.2d 15 (2d Cir. 1989)); 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72, 6(a), 6(e).

See Report and Recommendation at 21.

² The Court notes that this is not the first time that Plaintiff has failed to comply with an order of this Court to file papers in support of his position. As Magistrate Judge Lowe stated in his Report and Recommendation,

[a]fter several extensions, an answer was filed by Defendant on June 21, 2002. (Dkt. No. 11.) Pursuant to General Order No. 18 of the Northern District of New York, "[w]ithin forty-five (45) days from the filing of the answer, plaintiff shall serve and file a brief setting forth all errors which plaintiff contends entitle plaintiff to relief." (General Order No. 18 at 1, emphasis in original.) ***No such brief was filed.*** On April 22, 2003, more than ten months after the answer was filed, then Magistrate Judge Gary L. Sharpe ordered Plaintiff to file his brief by May 23, 2003. (Dkt. No. 13.) ***The Court received no response from Plaintiff.*** On April 12, 2004, the undersigned ordered Defendant to file their brief; it was filed on June 3, 2004. (Dkt. No. 16.) After service of Defendant's brief, the Order specifically gave Plaintiff forty-five days to file and serve a brief in support of his position. (*Id.*) ***Again, the Court received no response from Plaintiff.***

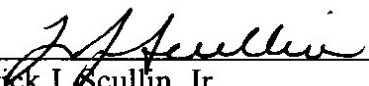
See Report and Recommendation at 2 (emphasis added).

ORDERS that the Commissioner of Social Security's decision is **AFFIRMED**; and the Court further

ORDERS that this action is **DISMISSED**.

IT IS SO ORDERED.

Dated: April 14, 2006
Syracuse, New York



Frederick J. Scullin, Jr.
Senior United States District Court Judge